

**APR 10 2006**

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

VERNON FORD,

Defendant - Appellant.

No. 05-10430

D.C. No. CR-97-00687-DAE

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Hawaii  
David A. Ezra, District Judge, Presiding

Submitted April 5, 2006\*\*

Before: HAWKINS, McKEOWN, and PAEZ, Circuit Judges.

Vernon Ford appeals from the 36-month sentence imposed upon revocation of his supervised release. We have jurisdiction pursuant to 28 U.S.C. § 1291. We

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

review for abuse of discretion, *United States v. Tadeo*, 222 F.3d 623, 625 (9th Cir. 2000), and we affirm.

Ford contends that the district court's sentence was excessive and constituted an abuse of discretion. We are unpersuaded. When revoking supervised release, the district court has discretion to go outside the Chapter 7 policy statement's suggested sentencing range, up to the statutory maximum listed in 18 U.S.C. § 3583(e)(3). *See United States v. Musa*, 220 F.3d 1096, 1101 (9th Cir. 2000); *see also United States v. George*, 184 F.3d 1119, 1122-23 (9th Cir. 1999).

**AFFIRMED.**